

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

HAYDHI LINSTead,
Charging Party/Appellant,

HRB CASE NO. 0121015526 &
0121015543

-v-

SHERIDAN COUNTY JUSTICE COURTH
AND SHERIDAN COUNTY SHERIFF'S
DEPARTMENT,
Respondent/Appellee.

ORDER
FINAL AGENCY DECISION

Charging Party, Haydhi Linstead (Linstead), filed a complaint with the Department of Labor and Industry (Department) alleging unlawful discrimination in the provision of governmental services on the basis of race, national origin and retaliation. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Linstead's allegations that Respondents, Sheridan County Justice Court and Sheridan County Sheriff's Department, unlawfully discriminated against Linstead. The Department issued a Notice of Dismissal. Linstead filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on March 13, 2013. Haydhi Linstead appeared and argued on her behalf. Steven Howard, attorney, appeared and argued on behalf of Respondents, Sheridan County Justice Court and Sheridan County Sheriff's Department. The Commission finalized its decision in this matter at a special meeting convened on March 28, 2013.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Section 49-2-511(2), MCA*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is not an abuse of discretion.

If a charging party chooses to commence a civil action in district court, the charging party has 90 days after the date this order is issued to file a complaint in district court, in the district where the alleged violation occurred, and seek appropriate relief. *Section 49-2-511(3)(a), MCA.* If a charging party fails to commence a civil action within 90 days, their claims are time barred. *Id.*

Alternatively, a party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Sections 2-4-702 and 49-2-511(3)(b), MCA.* This review must be requested within 30 days of the date of this order. A party must promptly serve copies of a petition for judicial review upon the Human Rights Commission and all parties of record. *Section 2-4-702(2), MCA.*

IT IS HEREBY ORDERED, that Haydhi Linstead's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Respondents, Sheridan County Justice Court and Sheridan County Sheriff's Department.

DATED this 28th day of March, 2013



Cynthia Wolken, Acting Chair
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this 28th day of March, 2013.

HAYDHI LINSTEAD
6 VANDERBILT
KALISPELL, MT 59901

STEVEN HOWARD
SERIDAN COUNTY ATTORNEY
SHERIDAN COUNTY COURTHOUSE
PLENTYWOOD, MT 59254



Annah Smith, Legal Secretary
Montana Human Rights Bureau